

STEVE GUNDERSON
3D DISTRICT, WISCONSIN

MEMBER:
AGRICULTURE COMMITTEE
EDUCATION AND LABOR
COMMITTEE

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Congress of the United States
House of Representatives
Washington, DC 20515-4903

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POST OFFICE BOX 247
622 EAST STATE HIGHWAY 54
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1-800-472-6612
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August 14, 1994

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Lauren J. Belzin, Director
Office of Legislative Affairs
Federal Communications Commission, Room 808
1919 M Street, N.W.
Washington, D.C. 20554

Dear Ms. Belzin:

Please find enclosed correspondence which was forwarded to me from Representative Obey's office, as Mr. Richard M. Adler is a constituent of mine.

Mr. Adler's concerns are self-explanatory. Upon review of the enclosed letter and his communication directly with the Federal Communications Commission, I would appreciate being informed of how his concerns are being met.

Thank you in advance for your kind attention to this matter.

Best regards,



Steve Gunderson
Member of Congress

SG:jj

Enclosure (1)

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Clark Electric Cooperative

124 North Main Street
Greenwood, Wisconsin 54437
Telephone (715) 267-6188

Honorable Representative David R Obey
U.S. House of Representatives
2426 Rayburn
House Office Building
Washington DC 20515

Dear Representative Obey:

I am writing you in regards to the implementation and enforcement of Section 19 of the 1992 Cable Act by the Federal Communications Commission.

We are a deeply concerned with ability of programmers like Time Warner and Viacom to simply refuse to sell programming to certain distributors. This exclusive practice hurts rural consumers and is contrary to the intention the 1992 Cable Act.

As a distributor of DBS and C-band programming to rural Wisconsin, we feel that our customers and your constituents should not be overcharged for the programming they receive. The reason they are being overcharged is that programmers such ourselves and other National Rural Telecommunications Cooperative (NRTC) are denied fair access to all programming.

I have written the FCC Chairman, other members of the House and Senate in hopes that you will join forces to implement the intent of the 1992 Cable Act which was to grant equal access to all programmers.

Thank you for your consideration in this matter.

Sincerely,

Richard M. Adler
General Manager

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

SEP 29 1994

REPLY REFER TO:
CN9404066

The Honorable Steve Gunderson
U.S. House of Representatives
2235 Rayburn House Office Building
Washington, DC 20515-5506

Dear Congressman Gunderson:

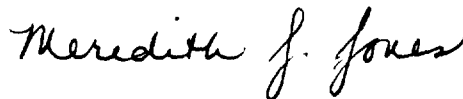
This is in response to your inquiry on behalf of a constituent, Mr. Richard A. Adler, General Manager, Clark Electric Cooperative. Mr. Adler is concerned that DirecTV, operator of a direct broadcast satellite (DBS) facility, cannot obtain rights to Time Warner and Viacom programming, because such programming is subject to exclusive distribution rights of another DBS distributor, United States Satellite Broadcasting, Inc.

Mr. Adler also expresses his support for the position of the National Rural Telecommunications Cooperative concerning the Commission's interpretation of Section 19 of the Cable Television Consumer Protection and Competition Act of 1992. NRTC has requested that the Commission reexamine the legality of exclusive contracts between vertically integrated cable programmers and DBS providers in areas unserved by cable operators. NRTC has asked that the Commission determine that such contracts are prohibited.

NRTC's petition for reconsideration of the Commission's program access rulemaking proceeding is currently pending. As such, any discussion by Commission personnel concerning this issue outside the context of the rulemaking would be inappropriate. However, you may be assured that the Commission will take into account each of the arguments raised by NRTC and the other parties to the rulemaking concerning this issue to arrive at a reasonable decision on reconsideration.

I trust this information is responsive to your inquiry.

Sincerely,



Meredith J. Jones
Chief, Cable Services Bureau